



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Division of Ecological Services
17629 El Camino Real #211
Houston, Texas 77058-3051
281/286-8282 / (FAX) 281/488-5882



September 29, 2005

Donald Silawsky
Office of Petroleum Reserves
Department of Energy
1000 Independence Avenue S.W.
Washington, DC 20585-0301

Dear Mr. Silawsky:

This responds to your September 9, 2005 letter requesting threatened and endangered species information for the proposed expansion of the Strategic Petroleum Reserve (SPR) to its 1-billion barrel authorized capacity. Two Texas sites are being considered as part of the proposed project. The first site is the expansion of the existing SPR facility at Big Hill in Jefferson County. The second involves the construction of a new SPR facility at Stratton Ridge in Brazoria County.

U.S. Fish and Wildlife Service files indicate that a pair of bald eagles *Haliaeetus leucocephalus* is known to nest to the northwest of the proposed Stratton Ridge site. The approximate location of the nest is N 29.04140 W 95.38071.

Once a suitable nesting territory is established, the eagle pair will return to the same area year after year, though they may use alternate nests within the territory during different breeding years. If a given nest or nest tree is lost, the pair often returns to the same territory to begin another. Nesting territories can even be inherited by subsequent generations. Additional information on bald eagles is enclosed.

Individual bald eagles exhibit considerable variation in their responses to human activity, depending upon the type, frequency, and duration of activity; the extent of environmental modification; the point in time of the bird's reproductive cycle; and various other factors not well understood. Although it cannot be predicted with absolute certainty the effects a given disturbance might have on a specific eagle or eagle pair, certain activities are known to disturb bald eagles more than others. The enclosed habitat management guidelines address some of these concerns and identify recommended restrictions that may avoid potential impact to bald eagles if they should occur at or near the proposed project site.

Our records of known threatened and endangered species are limited. You should also use the county by county listing of federally listed threatened and endangered species, available at <http://ifw2es.fws.gov/endangeredspecies/lists/ListSpecies.cfm>, and other current species information to determine whether suitable habitat for a listed species is present at each project site. If suitable habitat is present, a qualified individual should conduct surveys to determine whether a listed species is present.

After completing a habitat evaluation and/or any necessary surveys, you should evaluate the project for potential effects to listed species and make one of the following determinations:

No effect – the proposed action will not affect federally listed species or critical habitat (i.e., suitable habitat for the species occurring in the project county is not present in or adjacent to the action area). No



coordination or contact with the Service is necessary. However, if the project changes or additional information on the distribution of listed or proposed species becomes available, the project should be reanalyzed for effects not previously considered.

Is not likely to adversely affect – the project may affect listed species and/or critical habitat; however, the effects are expected to be discountable, insignificant, or completely beneficial. Certain avoidance and minimization measures may need to be implemented in order to reach this level of effects. You should seek written concurrence from the Service that adverse effects have been eliminated. Be sure to include all of the information and documentation you used to reach your decision with your request for concurrence. The Service must have this documentation before issuing a concurrence.

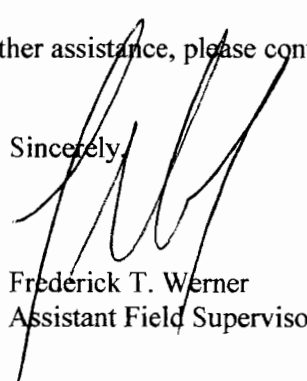
Is likely to adversely affect – adverse effects to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions, and the effect is not discountable, insignificant, or beneficial. If the overall effect of the proposed action is beneficial to the listed species but also is likely to cause some adverse effects to individuals of that species, then the proposed action “is likely to adversely affect” the listed species. An “is likely to adversely affect” determination requires formal Section 7 consultation with this office.

Regardless of your determination, the Service recommends that you maintain a complete record of the evaluation, including steps leading to the determination of affect, the qualified personnel conducting the evaluation, habitat conditions, site photographs, and any other related articles.

Finally, a concern with major projects is the length of time that passes between environmental review, project planning and then construction. During this time, new locations of threatened and endangered species can be established and/or discovered or new species can be listed. Therefore, it is important that a mechanism be included in project planning so that updated threatened and endangered species information is gathered and reviewed periodically up until initiation of construction.

If you have any questions, or if we can be of further assistance, please contact Edith Erfling or Catherine Yeargan at 281/286-8282.

Sincerely,



Frederick T. Werner
Assistant Field Supervisor, Clear Lake ES Field Office

Enclosures

